

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

FTX TRADING LTD., *et al.*,¹

Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

Re: Docket No. 291

**DECLARATION OF RICHARD D. ANIGIAN
IN SUPPORT OF BLOCKFI'S OBJECTION TO THE
DEBTORS' MOTION TO ENFORCE THE AUTOMATIC STAY
OR, IN THE ALTERNATIVE, EXTEND THE AUTOMATIC STAY**

I, Richard D. Anigian, hereby declare as follows under penalty of perjury:

1. I am over eighteen and have never been convicted of a felony or other crime involving moral turpitude, and do not suffer from any mental or physical disability that would render me incompetent to make this declaration. I am able to swear, and I hereby do swear, that all of the statements in this declaration are true and correct and within my personal knowledge or are known to me by reason of my position and involvement in this proceeding, the BlockFi bankruptcy cases and/or through counsel for BlockFi who has appeared in the actions described below in Antigua.

2. I am an attorney licensed to practice in the State of Texas since November 1985. I have at all times thereafter been a member in good standing with the State Bar of Texas. I have

¹ The last four digits of each FTX Trading Ltd.'s and Alameda Research LLC's tax identification numbers are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.ra.kroll.com/FTX>.

been admitted *pro hac vice* to this Court to represent the BlockFi in these Chapter 11 cases.

3. I am a partner in the law firm of Haynes and Boone, LLP and have been a member of the law firm's litigation department since 1987.

4. I submit this declaration in order to present documents relevant to and in support of *BlockFi's Objection to Debtors' Motion to Enforce the Automatic Stay or, in the Alternative, Extend the Automatic Stay* (the "Objection"), on behalf of BlockFi Inc. ("BlockFi Inc."), BlockFi Lending LLC ("BlockFi Lending"), and BlockFi International LLC ("BlockFi International" and together with BlockFi Inc. and BlockFi Lending, "BlockFi"). If I were called upon to testify, I could and would competently testify to the facts set forth herein.

5. Attached hereto as Exhibit A is a file-marked copy of the *Declaration of Zachary Prince in Support of the Debtors' Motion for Entry of an Order Pursuant to Sections 105(a), 542, and 543 of the Bankruptcy Code (I) Directing the Collateral be Transferred to a Neutral Broker or Escrow Under the Court's Supervision or (II) Enjoining the Defendants from Transferring or Using the Collateral Pending Final Resolution of the Turnover Claims* ("Prince Declaration"), filed on November 28, 2022, with the United States Bankruptcy Court for the District of New Jersey, Adversary Proceeding Number 22-01382 (MBK) [Adv. Dkt. No. 2-2].

6. Attached hereto as Exhibit B is a file-marked copy of the *Declaration of Richard D. Anigian in Support of the Debtors' Motion for Entry of an Order Pursuant to Sections 105(a), 542, and 543 of the Bankruptcy Code (I) Directing the Collateral be Transferred to a Neutral Broker or Escrow Under the Court's Supervision or (II) Enjoining the Defendants from Transferring or Using the Collateral Pending Final Resolution of the Turnover Claims* ("Anigian Declaration"), filed on November 28, 2022, with the United States Bankruptcy Court for the District of New Jersey, Adversary Proceeding Number 22-01382 (MBK) [Adv. Dkt. No. 2-3].

7. Attached hereto as **Exhibit D** is a file-marked copy of the *Supplemental Declaration of Zachary Prince in Support of the Debtors' Motion for Entry of an Order Pursuant to Sections 105(a), 542, and 543 of the Bankruptcy Code (I) Directing the Collateral be Transferred to a Neutral Broker or Escrow Under the Court's Supervision or (II) Enjoining the Defendants from Transferring or Using the Collateral Pending Final Resolution of the Turnover Claims* ("**Prince Supplemental Declaration**"), filed on December 19, 2022, with the United States Bankruptcy Court for the District of New Jersey, Adversary Proceeding Number 22-01382 (MBK) [Adv. Dkt. No. 14].

8. Attached hereto as **Exhibit E** is a file-marked copy of the *Supplemental Declaration of Richard D. Anigian in Support of the Debtors' Motion for Entry of an Order Pursuant to Sections 105(a), 542, and 543 of the Bankruptcy Code (I) Directing the Collateral be Transferred to a Neutral Broker or Escrow Under the Court's Supervision or (II) Enjoining the Defendants from Transferring or Using the Collateral Pending Final Resolution of the Turnover Claims* ("**Anigian Supplemental Declaration**"), filed on December 19, 2022, with the United States Bankruptcy Court for the District of New Jersey, Adversary Proceeding Number 22-01382 (MBK) [Adv. Dkt. No. 15].

9. Attached hereto as **Exhibit F** is a file-marked copy of the *Declaration of Richard D. Anigian in Support of BlockFi's Response and Objections to the Joint Provisional Liquidators of Emergent Fidelity Technologies, Ltd.'s Emergency Motion for Extension of Time to Respond to Complaint and Turnover Motion and for Continuance of Hearing and Pretrial Conference* ("**Anigian Extension Declaration**"), filed on December 28, 2022, with the United States Bankruptcy Court for the District of New Jersey, Adversary Proceeding Number 22-01382 (MBK) [Adv. Dkt. No. 27-1].

10. Attached hereto as **Exhibit G** is a file-marked copy of Samuel Benjamin Bankman-Fried's Affidavit that appears to have been filed on December 12, 2022, with the Eastern Caribbean Supreme Court in the Hight Court of Justice, Antigua and Barbuda, Claim No. ANUHCV2022/0456 (the "12/12/22 SBF Affidavit").

11. Attached hereto as **Exhibit H** is a file-marked copy of an order, dated November 18, 2022, from the Eastern Caribbean Supreme Court in the Hight Court of Justice, Antigua and Barbuda, Claim No. ANUHCV2022/0456, that purports to have appointed Angela Barkhouse and Toni Shukla as receivers over Emergent Fidelity Technologies, Ltd. ("Antiguan Receivership Order").

12. Attached hereto as **Exhibit I** is a file-marked copy of an order, dated December 5, 2022, from the Eastern Caribbean Supreme Court in the Hight Court of Justice, Antigua and Barbuda, Claim No. ANUHCV2022/0480, that purports to have appointed Angela Barkhouse and Toni Shukla as receivers over Emergent Fidelity Technologies, Ltd. ("Antiguan Liquidation Order").

13. Attached hereto as **Exhibit J** is a true and correct copy of the *Transcript of Hearing on the Emergent Motion Seeking an Extension of Time with Respect to Answering; Continue the January 9 Turnover Complaint*, recording the hearing held before the Honorable Michael B. Kaplan, United States Bankruptcy Court Judge, on December 28, 2022 at 1:00 p.m. EST, in Adversary Proceeding No. 22-01382 (MBK) ("Transcript").

[Signature Page Follows]

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on January 5, 2022

By: 

Name: Richard D. Anigian

Title: Partner, Haynes and Boone, LLP